

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:04-cr-00070-MR**

UNITED STATES OF AMERICA,)

)

)

vs.)

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)

THOMAS LESTER KETELSEN.)

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ORDER

THIS MATTER is before the Court on the Defendant's "Motion to Clarify Restitution Order, as Stated in Judgment & Commitment, Pursuant to 18 U.S.C. 3231; 3572(d)(3)" [Doc. 38] and Defendant's "Motion to Clarify Defendant's Institutional Payment Schedule" [Doc. 39].

In his motions, the Defendant challenges the restitution payments that he is required by the Bureau of Prisons to make through the Inmate Financial Responsibility Program (IFRP). [Docs. 38, 39].

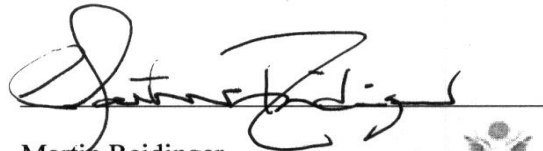
The Bureau of Prisons has the authority to place the Defendant in the IFRP based on the wording contained in the Criminal Judgment. See United States v. Watkins, 161 F. App'x 337, 337 (4th Cir. 2006); Bramson v. Winn, 136 F. App'x 380, 381 (1st Cir. 2005). Before seeking relief from any court regarding obligations under the IFRP, a defendant must exhaust all

administrative remedies through the Bureau of Prisons. McGhee v. Clark, 166 F.3d 884, 887 (7th Cir. 1999). Once all administrative remedies have been exhausted, a defendant may challenge such payments only by filing the appropriate pleading in the district court located in the district of confinement, not the sentencing court. See Moore v. Olson, 368 F.3d 757, 759 (7th Cir. 2004); Matheny v. Morrison, 307 F.3d 709, 711-12 (8th Cir. 2002).

IT IS, THEREFORE, ORDERED that the Defendant's motions to alter the restitution payments that he is required to make through the IFRP [Docs. 38, 39] are **DENIED**.

IT IS SO ORDERED.

Signed: December 2, 2013


Martin Reidinger
United States District Judge

